

REMARKS

This Amendment is submitted in response to the final Office Action of June 2, 2005. Claims 1-8 and 29-47 are pending in this application. Previously, original claims 9-28 were cancelled in view of a restriction requirement. By this Amendment, claim 1 has been amended to incorporate claim 39 therein. Accordingly, claim 39 has been canceled without prejudice and claim 40 has been amended to depend from claim 1. Applicants hereby reserve the right to present and further prosecute the previously presented claim 1 in a continuation application. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claims 1-8 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,660,021 to Palmer et al. ("the Palmer patent"). In view of the amendment of claim 1 to incorporate dependent claim 39 therein, it is submitted that the Palmer patent should be withdrawn as an anticipatory reference to claims 1-8. It is noted that the particular structure recited in dependent claim 39 is not found in the Palmer patent. The Palmer patent does not show a distal strut attached to the circumferential member at the second bending region which has a free end positioned substantially near the longitudinal axis extending through the center of the circumferential member when placed in the expanded position. Drawing figure 31 of the Palmer device, appearing at page 2 of the Office Action, actually shows that the strut 906, identified as the distal strut by the Examiner extends away from the central longitudinal axis of the portion of the cage body identified as the circumferential member by the Examiner and does not have a free end. Accordingly, Applicants respectfully request the Examiner to withdraw the Palmer patent as an anticipatory reference to claims 1-8.

Claims 37-38 and 42-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,245,089 to Daniel et al. ("the Daniel patent"). With respect to independent claims 37 and 42, it is noted that the particular structure requires

the guide wire to extend through the inlet opening of the circumferential member and include structure which maintains the guide wire substantially centered when the cage is placed in the expanded position. The embodiment of Figure 21B in the Daniel patent, relied upon by the Examiner, fails to disclose such a structure. Reference is made to Column 15, lines 46-53 which read as follows:

By providing tails 358 and 360, frame 354 is directly connected to wire 346. However, tails 358 and 360 are provided so that the point of attachment of frame 354 to wire 346 is located several millimeters proximal of hoop-shaped portion 356. This provides some additional structural integrity to frame 354, **but still allows frame 354 to substantially float about wire 346 in the region of hoop-shaped frame portion 356.** (Emphasis added)

Thus, these tails 358 and 360 do not help to center the wire 346 relative to the hoped-shaped frame portion 356 at all. Rather, this embodiment, like the embodiment of Figure 21A which also allows the wire 346 to "substantially float" within hoop 342 (Col. 15, lines 19-22), actually teaches away from maintaining the wire centered relative to the hoop by allowing the wire to "substantially float." For at least these reasons, the Daniel patent lacks the specific structure for maintaining the guide wire centered within the expanded circumferential member as recited in these claims. Thus, Applicants request the Examiner to withdraw the Daniel patent as an anticipatory reference to these claims.

Claims 29-41 and 45-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Palmer patent in view of the Daniel patent. With respect to independent claim 29, the Palmer patent does not have a distal strut which is coupled to the guide wire. The structure in the Palmer patent identified as the distal strut by the Examiner is not attached to the guide wire, but rather, other structural elements forming the cage. The embodiment of the Daniel patent relied upon by the Examiner clearly does not have a distal strut. For at least this reason, the combination of the Palmer patent with the Daniel patent does not achieve the structure of the presently claimed invention. With respect to independent claim 37, as is noted above in the remarks concerning the Daniel

patent, this claim requires a particular structure that maintains the guide wire substantially centered through the circumferential member when placed in the expanded position. As addressed above, neither the Palmer patent, nor the embodiment of the Daniel patent relied on by the Examiner teach such a structure. Therefore, the combination of these two references fails to teach or even suggest the present invention as claimed in claim 37. Applicants respectfully request the Examiner to withdraw the obviousness rejection directed to claims 29-41 and 45-47

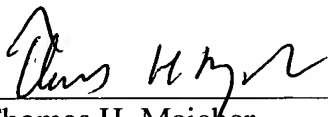
Applicants note that two Information Disclosure Statements were previously filed during the prosecution of this pending case. The Examiner has not returned a copy of these Information Disclosure Statements with his initials or other marking to indicate that he has considered the cited art. Applicants thus resubmit a copy of each of these Information Disclosure Statements with this Amendment and request the Examiner to return a copy with his initials or other marking to indicate that he has considered the cited art.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

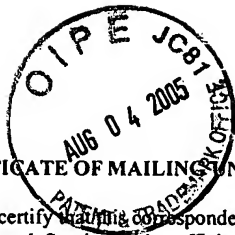
FULWIDER PATTON LEE & UTECHT, LLP

By: 
Thomas H. Majcher
Registration No. 31,119

THM:gbr

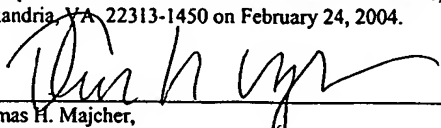
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

96910.1



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 24, 2004.


Thomas H. Majcher,

Reg. No. 31,119

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/066,314
Applicant : William J. Boyle et al.
Filed : January 31, 2001
Art Unit : 3731
Examiner : Truong, Kevin Thao
Title : EXPANDABLE CAGES FOR EMBOLIC FILTERING DEVICES

Docket No.: : ACS 57081 (2840P)
Customer No. : 24201

February 24, 2004
Los Angeles, California

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

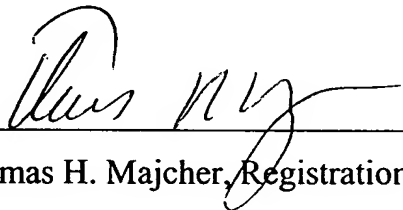
The documents listed on the enclosed Form PTO/SB/08A have come to the attention of Applicants and are submitted to the Patent Office under 37 C.F.R. § 1.97(b).

A copy of each of the listed documents is enclosed.

This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(b)(3), and therefore no fee is due. However, if a fee is in fact due, the Commissioner is authorized to charge any additional fee(s) to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Thomas H. Majcher, Registration No. 31,119

THM:mjm

Enclosures: Transmittal Return Postcard
Form PTO/SB/08A (22 references)

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
43017.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1470A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number

10/066,314

Filing Date

January 31, 2002

First Named Inventor

William J. Boyle

Art Unit

3731

Examiner Name

Truong, Kevin Thao

Attorney Docket Number

ACS 57081 (2840P)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code (if known) ²			
		US- 5,192,286		03-09-1993	Phan et al.	
		US- 5,658,296		08-19-1997	Bates et al.	
		US- 5,779,716		07-14-1998	Cano et al.	
		US- 5,814,064		09-29-1998	Daniel et al.	
		US- 5,910,154		07-18-1999	Tsugita et al.	
		US- 5,954,745		09-21-1999	Gertler et al.	
		US- 6,001,118		12-14-1999	Daniel et al.	
		US- 6,053,932		04-25-2000	Daniel et al.	
		US- 6,059,814		05-09-2000	Ladd	
		US- 6,142,987		11-07-2000	Tsugita	
		US- 6,152,946		11-28-2000	Broome et al.	
		US- 6,168,604 B1		01-02-2001	Cano	
		US- 6,179,861 B1		01-30-2001	Khosravi et al.	
		US- 6,203,561 B1		03-20-2001	Ramee et al.	
		US- 6,214,026		04-10-2001	Lepak et al.	
		US- 6,245,089 B1		06-12-2001	Daniel et al.	
		US- 6,264,663		07-24-2001	Cano	
		US- 6,277,139		08-21-2001	Levinson et al.	
		US- 6,336,934		01-08-2002	Gilson et al.	
		US- 6,346,116 B1		02-12-2002	Brooks et al.	

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Date _____

Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP § 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	10/066,314
Filing Date	January 31, 2002
First Named Inventor	William J. Boyle
Art Unit	3731
Examiner Name	Truong, Kevin Thao
Attorney Docket Number	ACS 57081 (2840P)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		US- 6,348,062		02-19-2002	Hopkins et al.	
		US- 6,371,970 B1		04-16-2002	Khosravi et al.	
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US- 1				
		US-				
		US-				

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind ⁵ (if known)				

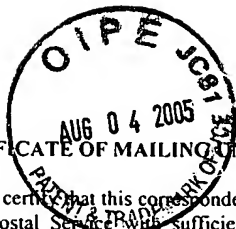
Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

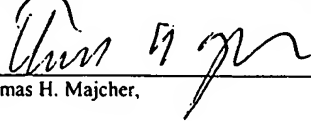
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 27, 2004.


Thomas H. Majcher,

Reg. No. 31,119

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/066,314
Applicant : William J. Boyle et al.
Filed : January 31, 2001
Art Unit : 3731
Examiner : Truong, Kevin Thao
Title : EXPANDABLE CAGES FOR EMBOLIC FILTERING
DEVICES

Docket No.: : ACS 57081 (2840P)
Customer No. : 24201

February 27, 2004
Los Angeles, California

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to the duty of disclosure and 37 CFR § 1.97(b)(4), enclosed is Form PTO 1449, listing five (5) references not previously submitted which may be material to the patentability of the invention. The Examiner is respectfully requested to consider and cite the references. It is additionally requested that the Examiner indicate consideration

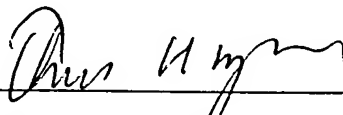
of the cited references by returning a copy of the attached form PTO 1449 with initials and/or other appropriate marks. A copy of each of the listed documents is enclosed.

This statement is not a representation that all of the information cited is necessarily effective as prior art against the present application or that a prior art search was performed.

This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(b)(3), and therefore no fee is due. However, if a fee is in fact due, the Commissioner is authorized to charge any additional fee(s) to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Thomas H. Majcher, Registration No. 31,119

THM:mjm

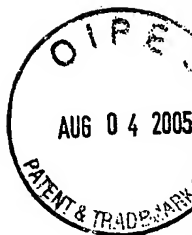
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
43426.1

Complete if Known

Application Number	10/066,314
Filing Date	January 31, 2002
First Named Inventor	William J. Boyle
Art Unit	3731
Examiner Name	Truong, Kevin Thao
Attorney Docket Number	ACS 57081 (2840P)

(use as many sheets as necessary)

Sheet 1 of 1

[illegible][illegible]

Date	
Considered	

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.